



*The Judiciary, State of Hawaii*

**Testimony to the House Committee on Judiciary**

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Thursday, February 2, 2012, 2:00 p.m.

State Capitol, Conference Room 325

by

Calvin Ching

Acting Deputy Chief Court Administrator

District Court of the First Circuit

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**Bill No. and Title:** House Bill No. 1749, H.D.1, Relating to Traffic Infractions

**Purpose:** Requires the state director of finance to transmit to each county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county, with certain exceptions. Effective January 1, 2013.

**Judiciary's Position:**

The Judiciary takes no position as to the merits of this bill, but wishes to comment on certain operational and technical aspects. The Judiciary respectfully recommends that reference to paying the "administrative costs of the traffic violations bureau" be removed, and, should this bill move forward, a specific percentage to be transferred, as provided for in the bill, be established.

House Bill No. 1749, H.D.1 states:

"...the state director of finance shall transmit to each county, not more than thirty days after the end of each fiscal quarter, \_\_\_\_\_ percent of all fines and forfeitures collected for uncontested traffic infractions committed in that county which are in excess of amounts required by the State to pay the administrative costs of the traffic violations bureau."



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Essentially, determining the exact “administrative costs” incurred in operating the TVB in four different circuits would be extremely complex and the accounting to do this would be expensive and time consuming. As noted in the Legislative Reference Bureau’s report, “Stop, Go, Caution: the Feasibility of Transferring the Traffic Violations Bureau to the Counties, Report No. 4, 1996”:

“It is unclear exactly what costs are associated with operating and supporting the TVBs. While the Judiciary was able to supply the Bureau with figures as to the most recent fiscal year’s realizations, it is not set up to pull out all of the costs associated with running the system. It can pull up staff salaries, for example, but not benefits, nor can it isolate all the costs for support services.”

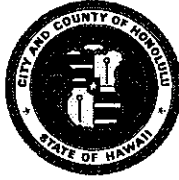
With respect to staff salaries, it is easy to identify the amounts for positions that are identified as dedicated to TVB positions; however, many of the District Court personnel, court administrators, and judges work in traffic violation activities but are not dedicated to those functions alone. With regard to support costs, they would include a large element of the Judiciary Information Management System (JIMS), the primary computer database for handling traffic offenses. In addition, there is the non-District Court “support staff” which plays an important role in TVB functions, such as JIMS staff, Information Technology and Communications Division staff, and fiscal officers.

Therefore, reference to the “administrative costs of the traffic violations bureau” should be removed and discussion limited to establishing a specific percentage to be transferred to the counties.

Thank you for the opportunity to comment on this measure.

**OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE  
MAYOR

DOUGLAS S. CHIN  
MANAGING DIRECTOR

CHRYSTN K. A. EADS  
DEPUTY MANAGING DIRECTOR

February 2, 2012

The Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary  
Twenty-Sixth Legislature  
Regular Session of 2012  
State of Hawaii

**RE: Testimony of Mayor Peter Carlisle on H.B. 1749, H.D. 1, Relating to Traffic  
Infractions**

Chair Agaran and members of the House Committee on Judiciary, Mayor Peter Carlisle submits the following comments on H.B. 1749, H.D. 1.

The purpose of this bill is to require that the state director of finance transmit a percentage of the uncontested traffic infraction fines and forfeitures to the county in which the infraction occurred.

As enforcement of traffic offenses is primarily conducted with county resources and the fines and forfeitures from that enforcement currently goes to the state general fund, we would not object to receiving a percentage of the uncontested traffic infraction fines and forfeitures; however, we would have serious concerns if this allocation of the uncontested traffic infraction fines and forfeitures is intended to supplant or reduce an existing revenue stream to the county.

Thank you for this opportunity to testify before you.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
G. Riki Hokama  
Michael P. Victorino  
Mike White



Director of Council Services  
Ken Fukuoka

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary

FROM: Don Couch  
Council Member, South Maui District

A handwritten signature in black ink, appearing to be "Don Couch", is written over the name and title in the "FROM:" line.

DATE: Wednesday, February 1, 2012

SUBJECT: **SUPPORT OF HB 1749, HD1, RELATING TO TRAFFIC INFRACTIONS**

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I support **HB 1749, HD1** for the reasons cited in testimony submitted by the HSAC President, and urge you to support this measure.

Council Chair  
Danny A. Mateo

Vice-Chair  
Joseph Pontanilla

Council Members  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Donald G. Couch, Jr.  
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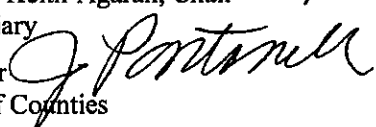


Director of Council Services  
Ken Fukuoka

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February 1, 2012

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair  
House Committee on Judiciary

FROM: Joseph Pontanilla, Treasurer   
Hawaii State Association of Counties

SUBJECT: **HEARING OF FEBRUARY 2, 2012; TESTIMONY IN SUPPORT OF HB 1749, HD1,  
RELATING TO TRAFFIC INFRACTIONS**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to require the State director of finance to transmit to each county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county.

I am aware that the President of the Hawaii State Association of Counties ("HSAC") has submitted testimony, on behalf of HSAC, in support of this measure, which is in the HSAC Legislative Package. As the Treasurer of HSAC, I concur with the testimony submitted by the President, and urge you to support this measure.

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**Hawai'i State Association of Counties (HSAC)  
Counties of Kaua'i, Maui, Hawai'i & City & County of Honolulu**

February 1, 2012

**TESTIMONY OF MEL RAPOZO  
PRESIDENT, HAWAII STATE ASSOCIATION OF COUNTIES  
ON**

**H.B. NO. 1749, RELATING TO TRAFFIC INFRACTIONS**

**Committee on Judiciary**

**Thursday, February 2, 2012**

**2:00 P.M.**

**Conference Room 325**

**Dear Chair Keith-Agaran and Members of the Committee on Judiciary:**

Thank you for this opportunity to submit testimony in strong support of H.B. No. 1749, Relating to Traffic Infractions. My testimony is submitted in my capacity as President of the Hawai'i State Association of Counties (HSAC).

HSAC is in full support of H.B. No. 1749, which adds a new chapter to the Hawai'i Revised Statutes entitled "Transmittal of Uncontested Traffic Fines and Forfeitures to Counties."

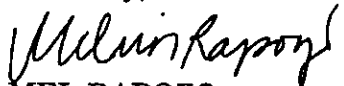
The purpose of this proposed bill is to require the State Director of Finance to transmit to each county a percentage of all fines and forfeitures collected for uncontested traffic infractions committed in that county.

Currently, the counties are responsible for the enforcement of the Statewide Traffic Code, yet the fines and forfeitures accruing from violations are paid solely to the State. Uncontested traffic violations do not need to be handled by the State courts; therefore, the burden on State-funded personnel and resources is minimized. Enactment of the proposed bill would assist the counties in offsetting the operational costs, involved with enforcing the Statewide Traffic Code.

For the reason stated above, HSAC is in strong support of H.B. No. 1749 and asks for your favorable support.

Again, thank you for this opportunity to submit testimony.

Sincerely,



MEL RAPOZO

President, HSAC 